



the Office of the Attorney General has full control of the budget and she should not be penalized for this system. The appellant states that she has sole responsibility for allocation of resources. Regarding establishment of policy, the appellant provides a list of training and systems that she developed and created, has worked on a media campaign, sets goals and objectives, and creates new initiatives. Lastly, she states that she supervises a part-time Administrative Assistant and intermittent Interns.

## CONCLUSION

*N.J.A.C. 4A:3-3.9(e)* states that in classification appeals the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which if portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for Program Specialist 2 states:

Under the limited supervision of a Program Specialist 3 or 4, or other supervisory official in a State department, institution or agency, or in a local jurisdiction, takes the lead over professional and/or technical staff engaged in program activities; performs professional, administrative and analytical work to promote the planning, operation, implementation, monitoring and evaluation of various programs and services administered by the Department of assignment; conducts the research and field work necessary to meet the needs of the appropriate state and/or local public or private agencies; does other related work.

The definition section of the job specification for Program Coordinator states:

Under direction of a supervisory official, coordinates administrative or program activities and may be responsible for policy development, identifying/recommending organizational improvements, conducting studies to assess impact of organizational changes, administration of programs to improve efficiency, and conducting special projects of interest to operation initiatives; does other related duties as required.

It is long-standing policy that upon review of a request for position classification, when it is found that the majority of an incumbent's duties and responsibilities are related to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. The outcome of position classification is not to provide a career path to the incumbents, but

rather is to ensure that the position is classified in the most appropriate title available within the State's classification plan. See *In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005). There is a sharp distinction made between a position and an incumbent. A position consists of a group of currently assigned duties and responsibilities requiring employment of one person, while an incumbent is an individual occupying a position. How well or efficiently an employee does his or her job, length of service, volume of work and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees are classified. See *In the Matter of Debra DiCello* (CSC, decided June 24, 2009). Therefore, the outcome of a position classification review is not to provide a career path to the incumbent, but rather, to ensure the position is classified by the most appropriate title available within the State Classification Plan.

Next, this title is in the "V" Employee Relations Group, Confidential Supervisory, which represents confidential employees and is typically connected with labor relations and personnel administration, and regularly assists or reports to management responsible for formulating effective policy and handling confidential matters. Such confidential individuals are staff employees who regularly assist or report to those in management responsible for formulating or effectuating labor relations policy. This title is only for use in the Civil Service Commission. For this reason alone, the Program Coordinator title is not appropriate.

Next, the Program Coordinator is a second level-supervisory title. Since October 2015, the Commission has upheld the classification standard that for a position to be classified in a title assigned the first-level or second-level employee relations group, incumbents are required to be the rater of employee, or subordinate-level supervisory employee, performance using a formal performance evaluation system. See *In the Matter of Alan Handler, et al.*, (CSC, decided October 7, 2015); *In the Matter of Marc Barkowski, et al.*, (CSC, decided October 19, 2016); and *In the Matter of David Bobal, et al.*, (CSC, decided November 23, 2016). In *In the Matter of David Bobal, et al.* (CSC, decided November 23, 2016), and *In the Matter of Nanci Carr* (CSC, decided November 23, 2016), the Commission indicated that incumbents in second level supervisory titles are required to supervise positions that are classified as primary, or first level supervisory titles. As the appellant has no supervisory duties, Program Coordinator is not an appropriate classification of the position.

Nevertheless, the supervisor of the position has indicated the most important functions of the position are developing training materials, conducting training, organizing conferences, and serving as a liaison. These duties involve the administration, performing the functions of, or carrying out the goals of a program, which are not the focus of Program Coordinator. A program in State government is

generally considered to involve a unit responsible for performing projects and activities which are necessary to carry out a purpose or goal set forth in regulations or by law, focusing on a definite activity, providing a service to a specific third party, and generally requiring allocated funding. *See In the Matter of Michele Prusik* (CSC, decided January 16, 2019). A Program Coordinator does not perform the work of the program, but oversees policy development, organizational improvements, impacts of organizational changes, and improvement of efficiency.

Regarding the appellant's arguments, she does not have sole control over program budgeting. While on appeal the appellant maintains that she has sole responsibility for the allocation of resources, this would be an ancillary task in the performance of her main duties. The appellant provides examples of training that she developed and calls it "establishment of policy." A policy is a course or principle of action that is adopted or proposed. The Program Coordinator is involved in policy development for the program staff and organization of the program, not the policies applied to a specific area of expertise or the area of the program. While the appellant claims that she supervises staff, she does not complete performance assessment reviews (PARS) of staff, and supervision of an Intern is not considered supervisory experience since student assistants are not recognized as employees for position classification purposes. *See In the Matter of Blanca Cieri* (Commissioner of Personnel, decided October 14, 2004). Supervisory experience is defined as supervising work operations and/or functional programs and having responsibility for employee evaluation and for effectively recommending the hiring, firing, promoting, demoting, and/or disciplining of employees. A title whose job specification does not contain this clause or a reasonable variation thereof in the "Examples of Work" section is not considered a supervisory title. *See In the Matter of Sadie Hamer, et al.* (MSB, decided February 22, 2006). In the present case, the appellant does not have the responsibility of supervising staff as she does not complete employee evaluations or recommend the hiring, firing, promoting, demoting, and/or disciplining of employees. As such, the Program Specialist 2 classification is the most appropriate to the appellant's duties.

A thorough review of the information presented in the record establishes that the appellant's position was properly classified as Program Specialist 2, and she has not presented a sufficient basis to establish that her position is improperly classified.

### **ORDER**

Therefore, the position of Kathleen Friess is properly classified as Program Specialist 2.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 2<sup>ND</sup> DAY OF SEPTEMBER 2020

*Deirdre' L. Webster Cobb*

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